

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

JULIE MARIE MILLER
10853 North 70th Avenue
Peoria, AZ 85345

Registered Nurse License No. 534054

Respondent

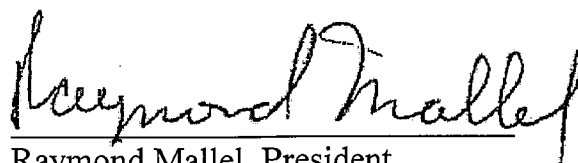
Case No. 2013-98

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **December 21, 2012.**

IT IS SO ORDERED **December 21, 2012.**



Raymond Mallel, President
Board of Registered Nursing
Department of Consumer Affairs
State of California

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Attorney General of California
2 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
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9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013-98

13 **JULIE MARIE MILLER**
10853 North 70th Avenue
14 Peoria, AZ 85345

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

15 **Registered Nurse License No. 534054**

16 Respondent.

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19 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
20 proceeding that the following matters are true:

21 **PARTIES**

22 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Executive Officer of the Board of
23 Registered Nursing. She brought this action solely in her official capacity and is represented in
24 this matter by Kamala D. Harris, Attorney General of the State of California, by Amanda Dodds,
25 Senior Legal Analyst.

26 2. Julie Marie Miller (Respondent) is representing herself in this proceeding and has
27 chosen not to exercise her right to be represented by counsel.

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3. On or about July 17, 1997, the Board of Registered Nursing issued Registered Nurse License No. 534054 to Julie Marie Miller (Respondent). The Registered Nurse License expired on July 31, 2005, and has not been renewed.

JURISDICTION

4. Accusation No. 2013-98 was filed before the Board of Registered Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on August 8, 2012. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 2013-98 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 2013-98. Respondent also has carefully read, and understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 2013-98, agrees that cause exists for discipline and hereby surrenders her Registered Nurse License No. 534054 for the Board's formal acceptance.

9. Respondent understands that by signing this stipulation she enables the Board to issue an order accepting the surrender of her Registered Nurse License without further process.

CONTINGENCY

10. This stipulation shall be subject to approval by the Board of Registered Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Registered Nursing may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. This Stipulated Surrender of License and Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. 534054, issued to Respondent Julie Marie Miller, is surrendered and accepted by the Board of Registered Nursing.

1. The surrender of Respondent's Registered Nurse License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent.

1 This stipulation constitutes a record of the discipline and shall become a part of Respondent's
2 license history with the Board of Registered Nursing.

3 2. Respondent shall lose all rights and privileges as a registered nurse in California as of
4 the effective date of the Board's Decision and Order.

5 3. Respondent shall cause to be delivered to the Board her pocket license and, if one was
6 issued, her wall certificate on or before the effective date of the Decision and Order.

7 4. Should Respondent file an application for licensure or a petition for reinstatement in
8 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
9 comply with all the laws, regulations and procedures for reinstatement of a revoked license in
10 effect at the time the petition is filed, and all of the charges and allegations contained in
11 Accusation No. 2013-98 shall be deemed to be true, correct and admitted by Respondent when
12 the Board determines whether to grant or deny the petition.

13 5. If and when Respondent's license is reinstated, she shall pay to the Board costs
14 associated with its investigation and enforcement pursuant to Business and Professions Code
15 section 125.3 in the amount of \$552.50. Respondent shall be permitted to pay these costs in a
16 payment plan approved by the Board. Nothing in this provision shall be construed to prohibit the
17 Board from reducing the amount of cost recovery upon reinstatement of the license.

18 6. If Respondent should ever apply or reapply for a new license or certification, or
19 petition for reinstatement of a license, by any other health care licensing agency in the State of
20 California, all of the charges and allegations contained in Accusation No. 2013-98 shall be
21 deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
22 Issues or any other proceeding seeking to deny or restrict licensure.

23 7. Respondent shall not apply for licensure or petition for reinstatement for two (2)
24 years from the effective date of the Board of Registered Nursing's Decision and Order.

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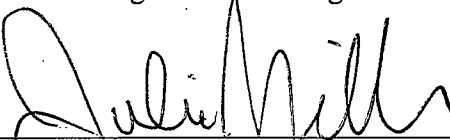
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ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED:

9/10/12


JULIE MARIE MILLER
Respondent

ENDORSEMENT

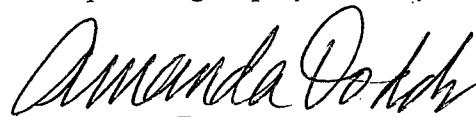
The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

Dated:

9/24/12

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
LINDA K. SCHNEIDER
Supervising Deputy Attorney General


AMANDA DODDS
Senior Legal Analyst
Attorneys for Complainant

SD2012703717

Exhibit A

Accusation No. 2013-98

1 KAMALA D. HARRIS
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2 LINDA K. SCHNEIDER
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3 State Bar No. 101336
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BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. **2013-98**

13 **JULIE MARIE MILLER**
808 Sea Cliff Way
14 Oceanside, CA 92056

A C C U S A T I O N

15 **Registered Nurse License No. 534054**

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department
22 of Consumer Affairs.

23 2. On or about July 17, 1997, the Board of Registered Nursing issued Registered Nurse
24 License Number 534054 to Julie Marie Miller (Respondent). The Registered Nurse License
25 expired on July 31, 2005, and has not been renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

STATUTORY PROVISIONS

6. Section 2761 of the Code states:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

....

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

....

COST RECOVERY

7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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1 **CAUSE FOR DISCIPLINE**

2 **(Out of State Discipline of Respondent's Nursing License)**

3 8. Respondent has subjected her license to disciplinary action under section 2761,
4 subdivision (a)(4) of the Code in that her registered nurse license was disciplined by the Arizona
5 State Board of Nursing. The circumstances are as follows:

6 9. On or about October 15, 2009, Respondent self-reported to the Arizona State Board
7 of Nursing (Arizona Board) that she had been charged with extreme driving under the influence
8 on April 11, 2009. Based on this information, Respondent was offered the Chemically Addicted
9 Nurses Diversion Option (CANDO).¹

10 10. On or about November 16, 2009, Respondent signed a Stipulated Agreement and
11 entered the CANDO program. The program required, among other things, that Respondent
12 abstain from the use of alcohol and the unauthorized use of all mind or mood altering medication
13 and controlled and addictive substances. Respondent further agreed to submit to random urine
14 drug screens, enroll in intensive outpatient treatment, obtain aftercare treatment, submit self
15 reports, attend Alcoholics or Narcotics Anonymous meetings and nurse support groups, and
16 notify Respondent's employer.

17 11. Respondent failed to submit to random urine drug screens on or about January 25,
18 2011, January 28, 2011, April 12, 2011, and February 8, 2012. Respondent failed to submit
19 evidence of starting an aftercare treatment program, and failed to submit aftercare reports due
20 every other month during the six months in aftercare treatment. Respondent failed to submit
21 attendance reports for NA/AA, performance evaluation reports, and self reports for the months of
22 September and October 2011. Respondent admitted to the Arizona Board that since she had
23 entered the program, she had occasionally taken Ambien² without informing CANDO and

24 ¹ CANDO is the Arizona State Board of Nursing's non-disciplinary, confidential
25 monitoring program for chemically dependent nurses, who meet the eligibility/admission criteria
26 into CANDO, and who voluntarily enter into the program. The intent of the program is to
provide for the public's safety and welfare through the early detection, treatment and monitoring
of chemically dependent nurses.

27 ² Ambien, a brand name for zolpidem tartrate, is a Schedule IV controlled substance as
28 designated by Health and Safety Code section 11057, subdivision (d)(32), and is a dangerous
drug pursuant to Business & Professions Code section 4022.

1 without providing medical authorization. Respondent knowingly provided false information in
2 her bi-monthly self report when she declared she had not consumed any prescribed medications.

3 12. On or about February 9, 2012, Respondent was discharged from CANDO for failing
4 to comply with the terms of the Stipulated Agreement as described in paragraph 11, above.

5 13. On or about March 8, 2012, Respondent informed the Arizona Board that she had
6 relapsed on or about February 14, 2012.

7 14. As a result of Respondent's conduct, the Arizona Board concluded that she had
8 violated Arizona Revised Statutes and the Arizona Administrative Code. Respondent admitted
9 the Arizona Board's Findings of Fact and Conclusions of Law, and she entered into a Consent
10 Agreement and Order No. 1202020 effective April 4, 2012. The Order revoked Respondent's
11 registered nurse license, however the revocation was stayed for as long as Respondent remained
12 in compliance with its terms. Respondent's license was suspended for 12 months, and placed on
13 probation for an additional 36 months with terms and conditions, which required, among other
14 things, that Respondent enroll in a relapse prevention program, obtain a relapse/recovery
15 evaluation, complete the 12-month suspension, enroll in a nurse recovery group, participate in
16 NA/AA, submit to drug testing, abstain from alcohol and unauthorized drugs, and submit to
17 employment limitations.

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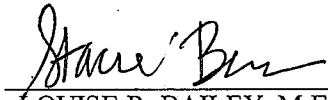
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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 534054, issued to Julie Marie Miller;
2. Ordering Julie Marie Miller to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: August 8, 2012

for 
LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

SD2012703717